IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2624 OF 2005

Shri.Bharat S.Parekh
and Ors. ..Applicants

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.Rajendra Rathod i/b Mr.M.A.Siddiqui for
for Applicants
Mr.Gurudatt Nayak for M/s.Nayekam Organics
Pvt.Ltd. Respnodent no.2 present
Ms.S.V.Gajare A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 30,2005

P.C.

1. Heard the learned advocate for the applicants, Mr.Gurudatt Nayak who is present in person for respondent no.2-complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Additional Chief Metropolitan Magistrate, 13th Court, Dadar, Mumbai in C.C.No.1320/S/2004. In the said case process was

issued against the applicants under Section 138 r.w.142 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the matter is kept before the trial Court on 6.10.2005. In view of this statement, the trial Court shall not proceed with the proceedings on 6.10.2005 and for a period of three weeks thereafter.

. The respondent no.2- original complainant fairly states that no objection will be raised in respect of delay in filing the revision. However, he prays that two days advance notice of filing revision be given to him. The learned advocate for the applicants to give two days' advance notice of filing revision to the respondent no.2-original complainant.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]